

REMARKS

Applicants hereby provisionally elect the apparatus of the invention for examination and Claims 1-7 and 14-35 directed thereto. This election is with traverse as discussed below. Accordingly, examination of all of Claims 1-40 is requested.

In the Office Action, it is asserted that "the method can be done by hand, or a materially different apparatus, not requiring the specifics of the apparatus". Applicants respectfully submit that the method and apparatus claims are related and do not satisfy the requirements for restriction therebetween.

More particularly, Applicants respectfully submit that the method claims correspond to the apparatus claims and the functionality and structure defined in the method steps corresponds to a means element or other structural requirement recited in the apparatus claims. Further, such method as claimed would not be performed by hand.

As to method Claim 36, this claim includes the step of providing a sorting apparatus which sorting apparatus is defined as having specific structural components that correspond substantially to the structural components defined in apparatus Claim 31.

Additionally, Claim 36 defines a sorting apparatus with particular structural components defined therein such that it is not believed possible to perform the claimed method 36 by hand. Further, the claimed method relates to the specific structural components of the sorting apparatus and it is not believed that such claimed method would be performed by a materially different apparatus since the changing of the elements of the apparatus would change the method. Further, the additional method steps defined in Claim 36 on page 39 of the application correspond to the additional elements defined in the last paragraph of apparatus Claim 31. Claim 31 is in fact a linking claim to method Claim 36 and as such, method Claims 36-40 are believed to be properly examined with the

elected apparatus claims. In view of the foregoing, Applicants request that Claims 36-40 be examined with the elected apparatus claims.

As to method Claim 8, this claim corresponds to apparatus Claim 1 such that Claim 1 is believed to be a linking claim and method Claims 8-13 may properly be examined with the apparatus claims. Furthermore, Claim 8 corresponds structurally to Claim 1 such that it is believed the method would not be done by hand, particularly due to the data processing and allocation, and further would not be done by another materially different apparatus due to the close conformance to structural Claim 1.

In view of the foregoing, Applicants request examination of all of pending Claims 1-40.

Respectfully submitted,


Mark L. Maki

MLM/cc

FLYNN, THIEL, BOUTELL
& TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631
Phone: (269) 381-1156
Fax: (269) 381-5465

Dale H. Thiel	Reg. No. 24 323
David G. Boutell	Reg. No. 25 072
Ronald J. Tanis	Reg. No. 22 724
Terryence F. Chapman	Reg. No. 32 549
Mark L. Maki	Reg. No. 36 589
David S. Goldenberg	Reg. No. 31 257
Sidney B. Williams, Jr.	Reg. No. 24 949
Liane L. Churney	Reg. No. 40 694
Brian R. Tumm	Reg. No. 36 328
Robert J. Sayfie	Reg. No. 37 714

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